

## Message Text

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ACTION AF-10

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INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15  
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FM AMEMBASSY ACCRA  
TO SECSTATE WASHDC 3582  
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LONDON FOR SEITZ

EO 11652: NA  
TAGS: PINT, PGOV, SHUM, GH  
SUBJ: CONSTITUTIONAL COMMISSION INAUGURATED

REF: ACCRA 3463

1. SUMMARY: A 27-MEMBER COMMISSION HAS BEEN INAUGURATED AND CHARGED WITH DRAFTING A NEW CONSTITUTION FOR GHANA BY OCTOBER 1978. ITS CHAIRMAN CLAIMS THAT COMMISSION BEGINS WITHOUT PRECONCEPTIONS AND THAT IT WILL RESIST INTERFERENCE FROM GOG OR ANY OTHER QUARTER. IT REMAINS TO BE SEEN WHETHER THE SUBSTANCE OF CONSTITUTION-MAKING PROCESS WILL BE AS IMPRESSIVE AS THE FORM. END SUMMARY.

2. ON MAY 11 HEAD OF STATE ACHEAMPONG INAUGURATED THE NEW CONSTITUTION DRAFTING COMMISSION. HE DECLARED "I WISH TO ASSURE THE MEMBERS OF THE COMMISSION, THE PEOPLE OF GHANA AND OUR FRIENDS, AS WELL AS OUR DETRACTORS, ABROAD THAT NEITHER MYSELF AS CHAIRMAN NOR THE (RULING) SUPREME MILITARY COUNCIL WILL ATTEMPT TO INFLUENCE THE WORK OF THE COMMISSION IN ANY WAY  
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WHATSOEVER." HE ADDED THAT THE COMMISSION WILL BE COMPLETELY FREE TO CARRY OUT ITS ASSIGNMENT, SUBJECT ONLY TO THE REQUIREMENTS OF ITS TERMS OF REFERENCE. ACHEAMPONG ASSERTED THAT PREVIOUS CONSITITUTIONS IN GHANA FAILED TO ACHIEVE THE FUNDAMENTAL OBJECTIVE OF UNITING THE PEOPLE: THIS IS WHY THE SUPREME MILITARY COUNCIL IS NOW PROPOSING ANOTHER ATTEMPT. HE SAID

THE CONCEPT OF UNION GOVERNMENT, WHICH WAS ENDORSED IN MARCH 30 REFERENDUM, SHOULD AIM AT MAKING THE ART OF GOVERNMENT PERMEATE THE ENTIRE FABRIC OF GHANAIAN SOCIETY.

3. REPLYING, COMMISSION CHAIRMAN DR. THOMAS ABOAGYE MENSAH DREW ENCOURAGEMENT FROM "THE CLEAR AND FORTHRIGHT ASSURANCE ... THAT WE CAN EXPECT TO PERFORM OUR TASK WITHOUT INTERFERENCE OR INFLUENCE FROM THE GOVERNMENT." HE STATED THAT THE COMMISSION "STARTS WITHOUT ANY SET IDEAS OR FIXED NOTIONS WHATSOEVER" THAT IT WILL MAKE ITS RECOMMENDATIONS "SOLELY ON THE BASIS OF WHAT ITS MEMBERS AGREE UPON, FOLLOWING FULL AND FRANK DISCUSSIONS, AND NOT ON ANY PRE-EXISTING OR PRE-ARRANGED BLUEPRINT." HE CONCLUDED THAT HE AND HIS COLLEAGUES "SHALL NOT SEEK OR ACCEPT ANY INSTRUCTION,

INFLUENCE OR DURESS FROM THE GOVERNMENT" AND WILL NOT TOLERATE INTERFERENCE FROM ANY OTHER QUARTER.

4. A DECREE GIVING LEGAL BACKING TO THE COMMISSION WAS ALSO PUBLISHED ON MAY 11. IT PROVIDES THAT THE COMMISSION SHOULD DRAW UP A CONSTITUTION FOR UNION GOVERNMENT, TAKING INTO CONSIDERATION THE OPERATIONS OF PREVIOUS CONSTITUTIONS IN GHANA SINCE ITS INDEPENDENCE IN 1957. COMMISSION IS ALSO REQUIRED LIMITED OFFICIAL USE

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TO TAKE INTO CONSIDERATION THE REPORT AND FINDINGS OF AD HOC COMMISSION ON UNION GOVERNMENT AND RESULTS OF MARCH 30 REFERENDUM. CONSTITUTION MUST ENSURE ADEQUATE REPRESENTATION OF ALL GHANAIS AND SHOULD BE A BASTION AGAINST THE RISE OF DICTATORSHIP. FINALLY, DECREE SAYS THAT CONSTITUTION MUST GUARANTEE TO EVERY PERSON IN GHANA THE FUNDAMENTAL RIGHTS ENSHRINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

5. IN A RELATED DEVELOPMENT, A SECOND DECREE OF MAY 11 ENLARGED COMMISSION FROM 23 TO 27 MEMBERS. EARLIER MEMBERS ARE GIVEN REFTEL; FOUR NEW MEMBERS ARE: OSEI POKU (MANAGING EDITOR, PEOPLE'S EVENING NEWS), LT. COL. JOSEPH AKOMPI; DR. EDWARD VICTOR COLLINS DE GRAFT JOHNSON (LAWYER) AND MISS CHRISTINA NAMONO THREE SECRETARIES TO COMMISSION WERE ALSO NAMED: J.E.K. APPIAH (PRINCIPAL STATE ATTORNEY), A.A. FORSTER (PRINCIPAL STATE ATTORNEY), AND A.K. DABI (STATE ATTORNEY).

6. COMMISSION BEGAN WORK AT PARLIAMENT HOUSE IN ACCRA ON MAY 12. OPENING FIRST SESSION, CHAIRMAN MENSAH SAID "WE HAVE BEEN CHARGED WITH THE MANDATE ... TO DRAW UP

A CONSTITUTION WHICH WILL PROMOTE THE UNITY OF BOTH (THOSE) WE SUPPORTED AND WHO OPPOSED THE CONCEPT OF UNION GOVERNMENT." HE AGAIN EXPRESSED GRATITUDE TO ACHEAMPONG FOR HIS ASSURANCE THAT GOG WILL NOT INTERVENE IN CONSTITUTION-MAKING PROCESS.

7. COMMENT: ALTHOUGH ACHEAMPONG HAS MADE APPROPRIATE NOISES ABOUT NEED FOR COMMISSION TO BE FREE FROM GOG INFLUENCE, IT REMAINS TO BE SEEN WHETHER THIS WILL ACTUALLY BE THE CASE. ACHEAMPONG HAS HAND-PICKED ALL MEMBERS AND SECRETARIES OF COMMISSION. WHILE A FEW, SUCH AS DE GRAFT JOHNSON, ARE KNOWN TO BE STRONGLY OPPOSED TO UNION GOVERNMENT, MOST CAN BE EXPECTED NOT TO MAKE BIG WAVES. MENSAH HIMSELF APPEARS TO BE A LIMITED OFFICIAL USE

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MAN OF INTELLIGENCE AND INTEGRITY, BUT TAKEN COLLECTIVELY, COMMISSION MEMBERS ARE NOT GHANA'S BEST AND BRIGHTEST MINDS. THEY ARE PROBABLY COMPETENT ENOUGH BUT MOST OF COUNTRY'S REALLY FIRST-RATE LAWYERS HAVE STEERED CLEAR OF INVOLVEMENT WITH COMMISSION. IN ANY CASE, THE FORM FOR MAKING A NEW CONSTITUTION FOR GHANA IS IMPRESSIVE; THE QUESTION REMAINS WHETHER THE SUBSTANCE WILL PROVE EQUALLY SO. SMITH

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## Message Attributes

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